

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
December 3, 2013**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:05 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Carol Guimond, Peter Corr, David Holmes and Peter Moniz. Board member David Saurette was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, the Director of Public Works Stephen Berlucchi, PE, Planning Board's engineering consultant Deirdre Paiva of Commonwealth Engineers and Consultants and the Planning Board's Solicitor Peter Ruggiero, Esq.

1. Sandywoods Land Trust, LLC – c/o Stephen Ostiguy – Church Community Housing – 50 Washington Square – Newport, RI 02840 – Recommendation to Town Council – Acceptance of Improvement to a Portion of Roosevelt Avenue (As-Builts Submitted) – S/S Bulgarmarsh Road (Route 177), East of Cornell Road, West of Crandall Road – R-60 Zoning District – Sandywoods Farm (Comprehensive Permit)

Stephen Ostiguy was present on behalf of the petition. Mr. Ostiguy described the area of Roosevelt Avenue proposed for acceptance, from Bulgarmarsh Road to the turnaround at the intersection with Muse Way. Mr. Ostiguy also distributed a handout depicting the area. Mr. Berlucchi stated that DPW had removed eighty (80) feet of the island and curbing in the roadway to facilitate access to the library property. He stated that the library would reimburse the DPW for work performed. He noted that sixty (60) feet had already been removed at the northern end to improve the turning radius. He stated that he fully supported the application, adding that he would prefer to remove the entire island. Mr. Moniz opined that the intersection of Bulgarmarsh Road and Roosevelt Avenue needs to be reshaped. Mr. Berlucchi replied that this is within a State right of way, and was a RIDOT (Rhode Island Department of Transportation) issue. Mr. Moniz opined that the entrance to the library seems to be too narrow. The Chairman stated that this issue was not pertinent to the application.

Ms. Eva a member of the Street Advisory Committee, requested that the plan/handout, which would accompany their application to the Town Council for formal acceptance into the Town's road system, clearly note which streets would remain private. The Chairman noted that the drains off of Roosevelt were clogged with leaves. Mr. Berlucchi stated that he would make sure they would be cleaned.

Mr. Hardy made a motion to make a positive recommendation to the Town Council with regard to acceptance of the portion of Roosevelt Avenue constructed between Bulgarmarsh Road and the turnaround at the intersection with Muse Way. The plan must be corrected to clearly note which roads are private. Mr. Corr seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Holmes and Mr. Moniz voted in favor of the motion.

2. Town Planner & Administrative Officer

A. Administrative Officer's Report Ms. Michaud's report was distributed. Ms. Michaud reviewed the Notice of Violation issued that day (December 3) to Harkins Stafford Pond, LLC regarding activities related to the Stafford View Farm Major Subdivision. Ms. Paiva reported on the soil disturbance and tree removal on the site. Mr. Harkins had been ordered to cease work until the conditions of the Planning Board's permission to clear are met.

B. Comprehensive Community Plan Update Kick Off Meeting Scheduled – December 10 at 7:00 PM

1. Planning Board Vote on Approach for Update – New Option Available for Interim Requirements – Request Signature of Agreement with Statewide Planning Ms. Michaud noted that the letter and attachments received from Statewide Planning had been distributed. Based on the information received, Ms. Michaud recommended the interim option offered by Statewide Planning. This would require the Comp Plan update to include some new topics, such as sea level rise and natural hazards, but it would not require compliance with the full set of new standards. Ms. Michaud stated that guidance documents regarding the new standards were not expected to be released until Spring 2014. Entering into the interim agreement

would require the update to be complete by Spring 2015 – or within 12 months of the release of the new guidance documents.

Mr. Hughes made a motion to approve the interim process for update of the Comp Plan. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Holmes and Mr. Moniz voted in favor of the motion.

C. Town Planner Items

1. Challenge Grant Project: Next Steps Ms. Michaud stated that in accordance with the comments at the November 19 joint Planning Board / Town Council meeting, a request for comments would be sent out to several Boards and Commissions. Comments would be requested by January 15, 2014.

2. Update: Stone Bridge Abutment Repairs Ms. Michaud stated that the design of the railing system for the abutment was being refined in accordance with structural requirements for wave loading. The plans would be transmitted to RIDOT for review and approval shortly.

D. Miscellaneous

1. Wind Energy Generation Facilities – Packet Distributed Ms. Michaud distributed a packet of information, including the Wind Energy ordinance drafted by the Planning Board in 2010 and tabled by the Town Council. Ms. Michaud stated that there were policy decisions to be made about the siting of both small and large turbines. She noted that there were members of the public who wished to participate in the process. Mr. Ruggiero stated that the Board would need to decide where turbines could be placed, and to define larger scale versus smaller scale turbines. He noted that many people objected to turbines, and that the larger turbines tended to be quieter but more visually offensive. Smaller turbines tended to be louder. Mr. Corr noted that the quality of the turbine was of utmost importance. The Wind Energy subcommittee, made up of Mr. Corr, Mr. Holmes and Mr. Moniz, agreed to meet on December 16, 2013 at 7:00 PM at Town Hall to begin work on a revised draft ordinance.

2. Solar Facilities – APA Guidelines to be Released January 2014 Ms. Michaud stated that she would advise the Board when the standards became available.

3. Tiverton Planning Board

A. Solicitor's Report (Site Ready Appeal) Mr. Ruggiero stated that the Site Ready appeal had been scheduled by the Planning Board of Appeals (Zoning Board), and that he would forward the dates for distribution. He stated that his understanding is there would be a review of the documents in the record, and that there would be no new testimony at this point.

Mr. Corr made a motion to take Item 3.E.2. out of order to allow for a miscellaneous discussion of Shore Road as requested by Mr. Berlucchi. Mr. Hardy seconded the motion. The motion passed 7-0-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Guimond, Mr. Corr, Mr. Holmes and Mr. Moniz voted in favor of the motion. Ms. Eva abstained.

B. Recommendation to Town Council: Proposed Zoning Text and Map Amendment – Historic District Zoning Mr. Hardy stated that a problem had come up with regard to the map and that the issue would need to be resolved before the Board could issue a recommendation to the Town Council. He stated that an accurate, legally binding map would be required, and that this would take a little more time. He stated that the Historic Preservation Advisory Board would be meeting on December 17th to discuss the mapping issue.

Ms. Eva stated that she some reservations about how the proposed document was being advertised just for Tiverton Four Corners when it appeared to her from the text that it applied to the entire Town particularly with the new fifty (50) page document that Town Solicitor Andrew Teitz had re-written. She had downloaded it from the Town Council's agenda backup and noted that it was very different from the document the Board had received. She opined that other districts or structures could be included in the new document. A discussion ensued regarding the documents drafted by Mr. Teitz.

Mr. Holmes asked if the District regulations would be put in place prior to the formation of the Historic District Committee. Mr. Hardy stated that draft regulations had already been written by Town Solicitor Andrew Teitz. Mr. Holmes asked if the Historic District Commission would be given autonomous power. A brief discussion ensued. Mr. Corr opined that the Osborne-Bennett National Historic Register District should also be included (located on Main Road, north of Route 24 and south of Souza Road). Mr. Hardy stated that it could be done, but that it would require a return trip to the Town Council. This item will appear on a future agenda when a complete proposal is available.

C. Quarry Licenses – Status of Applications Ms. Michaud stated that nothing new had been received regarding quarry licensing since meeting with the Town Council. Mr. Corr stated that he had been working on revisions to the ordinance. He provided Ms. Michaud with a copy of his comments, including twenty-seven (27) suggested changes or additions. Ms. Michaud stated that she would type up a draft for the Board's review including Mr. Corr's notes.

D. Correspondence There was no correspondence to discuss.

E. Miscellaneous

1. January 7, 2014 Meeting: Change of Venue Ms. Michaud noted that if the January 7th meeting included the Tiverton Crossings Master Plan, the meeting would be held at the Tiverton High School. She stated that she would keep the Board informed.

2. Shore Road: This item was taken out of order; after Item 3.A.

Ms. Guimond and Ms. Eva recused themselves from the discussion and left the table. Mr. Berlucchi distributed a handout regarding the platting and siting of Shore Road. He stated that there has been an ongoing problem regarding signage and access. Mr. Berlucchi stated that approximately 8 years ago the Town Council had commissioned a survey plan, which depicted a platted street running through several homes in the area. The constructed Shore Road was located outside of the platted right of way. Mr. Berlucchi stated that this was due to a survey error in the 1950's. The result was that there were houses constructed on Town land. He stated that he had spoken with residents regarding swapping the platted road with the constructed road. There was one resident who was completely opposed.

Mr. Berlucchi stated that a resident had installed a "private road" sign halfway down the road, causing people to back down the road creating a dangerous situation. Mr. Berlucchi stated that the party had agreed to take down the sign, if a "Dead End" sign was installed by the Town. The "Dead End" sign was installed and the resident reinstalled the "private road" sign. Mr. Berlucchi stated that the road had been used by the public continually for many years. He asked if the Town could legally take it over as a highway by use. Mr. Ruggiero replied that it was possible and that there was a procedure in place. Mr. Berlucchi asked if the title insurance companies of the homes constructed in the right of way could be held accountable. Mr. Ruggiero opined that it would not work. Various scenarios were discussed, with Mr. Ruggiero concluding that it would be an issue for the Town Council to decide. The Chairman opined that it seemed that a land swap would be the best option.

Mr. Berlucchi thanked the Board for their input. Ms. Eva and Ms. Guimond returned to the table.

F. Approval of Minutes: This item was continued by the Chair to the next meeting.

September 3, 2013

October 1, 2013

October 8, 2013 (Workshop)

October 15, 2013 (Special Meeting)

November 5, 2013

November 19, 2013 (Special Meeting)

G. Adjournment: Mr. Holmes made a motion to adjourn. The motion was seconded by Mr. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Holmes and Mr. Moniz voted in favor of the motion. The meeting adjourned at 9:15 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: March 4, 2014